

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JAMES HARKER, :
:
Plaintiff, :
: 23-CV-7865 (VSB)
-against- :
: **ORDER**
META PLATFORMS, INC., et al., :
:
Defendants. :
:
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VERNON S. BRODERICK, United States District Judge:

On November 22, 2023, Plaintiff filed an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). “[W]hen a plaintiff properly amends [a] complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.” *Pettaway v. Nat'l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020). Accordingly, it is hereby:

ORDERED that Defendants shall file a letter within seven (7) days deciding whether their motions to dismiss should be deemed moot without prejudice to refile new motions to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3), or if I should evaluate the current motions to dismiss in light of the facts alleged in the amended complaint.

SO ORDERED.

Dated: November 27, 2023
New York, New York



Vernon S. Broderick
United States District Judge